THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23120 OF 2005

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Dt:03.11.2005

Between:

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Swapna Krishna Kumar

… Petitioner

and

NTR University of Health Sciences and others

… Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23120 OF 2005

ORDER:

The petitioner is a student of Bachelor of Physio Therapy course. It is spread over four years, divided into eight semesters. She completed the study of four years and she appeared in the eighth semester examination in June 2005. Eighth semester

consists of five subjects. She was declared to have passed in all the subjects except the subject of Rehabilitation Medicine. She fell short of one mark in that subject and thereby she was not declared to have passed in the course.

The petitioner states that her academic career has been excellent throughout and but for the improper evaluation of the answer script in the said subject, she would have been declared passed with distinction. It is stated that she secured 81.7% in the Intermediate, topped the college in the first year of this course and secured gold medal in second semester of first year. It is also stated that her performance in the other examination has also been exceptional. The petitioner seeks a direction to the respondents to get the answer script in the subject, Rehabilitation Medicine, revaluated by another examiner.

When the writ petition came up for admission on 27.10.2005, the learned standing counsel took notice and he was directed to produce the answer script of the petitioner. The answer script has since been produced. The learned standing counsel made submissions on the basis of instructions. He contends that there is no provision for revaluation of the answer scripts of the said course and that the fact that the performance of the petitioner in other subjects has been excellent, does not constitute a ground for undertaking revaluation of the answer script in the said subject.

It is true that there is no provision for revaluation of answer scripts in the course of Physio Therapy at undergraduate level. In the ordinary course of things, this Court would not have undertaken any further examination of the matter. However, there exist certain extraordinary circumstances in the instant case. The performance of the petitioner has been brilliant and extraordinary throughout the course. But for the shortage of one mark in the subject referred to above, the petitioner would have been declared passed, and in all probability with distinction. It is no doubt true that it is always in the discretion of the examiner to award the marks on the basis of his satisfaction. At the same time, the career of the students, who are found to be otherwise bright, cannot be left to such uncertainty. A bare perusal of the answer script discloses that the performance of the petitioner was not that sub-standard as to have been awarded the fail marks. The petitioner is not aware as to who evaluated her answer script nor did she attribute any motives to anyone in the University. She is interested only in her career.

This Court is of the view that the lingering doubt in the mind of the petitioner as to the evaluation can be removed by requiring the University to get the answer script evaluated by an examiner from a different University. Such a course would ensure fairness to the entire functioning of the University. If in fact, any inadvertent error has crept into the evaluation, the same can be taken care of, and thereby the bright career of the petitioner can be saved from being doomed.

For the foregoing reasons, the writ petition is allowed and the respondents are directed to get the answer script of the petitioner in the subject of Rehabilitation Medicine, in eighth semester revaluated by an examiner from outside the State. For this purpose, the petitioner shall deposit a sum of Rs.1,000/- tentatively with the Registrar of the University and the process of revaluation shall be completed within a period of three weeks from the date of receipt of a copy of this order.

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03.11.2005

Note: Issue C.C. in three days.

(B/o)

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